

## **REMARKS**

Applicant has carefully reviewed the Final Office Action of May 5, 2009, prior to preparing this paper. Currently claims 1-9, 11, 13-16, 19, 22-24, 26 and 30 are pending in the application, wherein claims 1-4, 8, 9, 11, 13-16, 19, 22-24, 26 and 30 have been rejected, and claims 5-7 have been withdrawn from consideration. Favorable consideration of the above amendments and following remarks is respectfully requested.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1-2 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Zhou, U.S. Patent Pub. No. 2002/0183654. Applicant respectfully traverses this rejection.

Zhou pertains to a guidewire that includes a second tip member disposed within the tip that affects the stiffness of the tip when the tip is bent a certain distance laterally. The second tip member is spaced apart from the core member.

Independent claims 1, 13 and 22 to more clearly claim the invention. Support for the amendments may be found, for example, in Figure 2. No new matter has been introduced.

With newly cited reference Zhou, Applicants realized that the phrase “disposed about” found in independent claim 1 may be subject to varying interpretations. With the claim amendments, it is clear that what is being claimed is a reinforcing member in contact with the core member along the inner surface of the reinforcing member. Zhou does not disclose such a reinforcing member and to so modify Zhou would be contrary to its principles of operation. For this reason, Applicant submits that claim 1 is allowable over Zhou. As claims 2 and 11 depend from claim 1 and contains additional elements, Applicant submits that these claims are likewise in condition for allowance.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhou in view of O'Connor et al., U.S. Patent No. 6,887,235. Applicant respectfully traverses the rejection.

O'Connor is cited for teaching a reinforcing member with a helical groove for the purpose of providing desired torque and flexibility characteristics to the reinforcing member without

requiring additional components, but, so far as Applicant can tell, O'Connor et al. do not remedy the deficiencies of Zhou as discussed above. Zhou in view of O'Connor et al., therefore, does not disclose each and every element of independent claim 1, from which claims 3-4 depend. Because the cited references do not disclose or suggest each and every element of claims 3-4, no *prima facie* case of obviousness has been made, and Applicant respectfully submits that these claims are in condition for allowance.

Claims 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhou in view of Palermo et al., U.S. Patent No. 5,769,796. Applicant respectfully traverses the rejection.

Palermo et al. are cited as teaching a guide wire having a portion with a non-circular cross section, but, so far as Applicant can tell, Palermo et al. do not remedy the deficiencies of Zhou as discussed above. Zhou in view of Palermo et al., therefore, does not disclose each and every element of independent claim 1, from which claims 8-9 depend. Because the cited references do not disclose or suggest each and every element of claims 8-9, no *prima facie* case of obviousness has been made, and Applicant respectfully submits that these claims are in condition for allowance.

Claims 13-16, 19, 22-24, 26 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhou in view of Palermo et al. and further in view of O'Connor. Applicant respectfully traverses the rejections.

Claim 13 recites "wherein the reinforcing member contacts the core member along the length" and claim 22 recites "the tubular member being disposed about the intermediate portion of the inner core member and in contact with the intermediate portion along the length." Applicants therefore submit that these independent claims are in condition for allowance for at least the reasons discussed above with respect to claim 1. As claims 14-16, 19, 23-24, 26 and 30 depend from one of claims 13 and 22 and contain additional elements, Applicant submits that these claims are in condition for allowance as well.

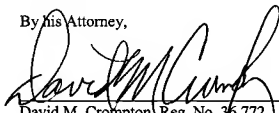
**Conclusion**

Reconsideration and further examination are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Alan Eskuri

By his Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

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